IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 269 OF 2004

1. Inacinho Pereira,
(aged about 70 years
tailor, s/o late
Alexio Pereira) and
his wife

2. Natty Pereira, (aged
about 62 years, d/o
Marcel Fernandes)
both r/o House No.31,
Dobitalau,, Mumbai -
(Temporarily residing
in House No. 18/46 at
Usgao. ... Petitioners

Versus

1. Balchandra Shanu Prabhu
(aged about 64 years),

2. Janqui Balchandra Prabhu
(aged about 64 years),
both r/o Bandarwada,
Vagurbem, Ponda.
All the addresses of the
parties are their
registered address. ... Respondents.

Shri I. Agha, advocate for the petitioners.

Shri J. A. Lobo, advocate for the respondents.

CORAM : S. A. BOBDE, J.

DATE : 15th July, 2004.

ORAL JUDGMENT

Rule returnable forthwith. Heard by consent.

2. The Impugned Order dated 19th June, 2004, is set aside since the right of a party to apply for orders in the nature of injunction are not suspended merely because the suit has been stayed pending decision on a reference to the

Mamlatdar.

3. The learned Civil Judge, Senior Division, Ponda, is directed to consider and decide the plaintiffs application for temporary injunction. Ad interim relief granted on 25th June, 2004 shall continue till the decision of the injunction application. It is made clear that the trial Court shall decide the injunction application on its own merits without being influenced by the Order of this Court.

4. Rule made absolute accordingly.

S.A. BOBDE, J.

mc.